

Exhibit 101:  
SOR Operating Procedure 307,  
Registration  
[MSP 774-776]

MICHIGAN STATE POLICE	POLICY	NUMBER: SOR-P-307	
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SEX OFFENDER REGISTRY UNIT			

SUBJECT: Registration

REFERENCE: MCL 28.723, MCL 28.724, MCL 28.725, MCL 28.727, MCL 28.728

PURPOSE: This policy is to provide staff with proper registration policies, as well as to provide guidance to registered sex offenders relating to common registration questions.

#### RECORD REVIEWS

All sex offender registration records shall be reviewed by a Sex Offender Registry (SOR) Unit staff member to ensure the accuracy and completeness of a record. Until the review is completed, the individual's sex offender registration information shall not be displayed on the Michigan Public Sex Offender Registry Website or the National Sex Offender Public Registry Website.

#### RECORD CREATION BY THE SOR UNIT

The SOR Unit staff may assist Michigan Department of Corrections or law enforcement in the creation of a registration record within the Michigan Sex Offender Registry system for an individual required to register. Prior to providing such assistance, the SOR Unit must receive a completed and signed registration form from the agency.

#### TIERING WHEN MISSING INFORMATION

If an offender has not been tiered because of missing information, or because it is an out-of-state conviction, the SOR unit will locate the missing information to properly tier the registrant. After all efforts have been exhausted, the following applies:

1. For a Michigan (MI) offense where the victim age cannot be determined, the offender will be a Tier 2 and must register for 25 years.
2. For out-of-state conviction offenses, the offender will be a Tier 2 and must register for 25 years, or the duration required of the other state, whichever is longer.

#### VICTIM AGE DOES NOT CORRESPOND WITH STATUTE

If the victim age does not correspond with the statute, i.e., victim age is 9 years and statute is 750.520E1A-A Criminal Sexual Conduct Fourth Degree Person 13-15, the offender would be a Tier III pursuant to MCL 28.722(w)(vi) because the offender was convicted of MCL 750.520e and the offender was 17 years of age or older and the victim was less than 13 years of age.

#### REGISTRATION REQUIREMENTS FOR OUT OF STATE CONVICTIONS

If an offender was convicted in another state and has a requirement to register in the conviction state and then moves, is employed, or attending school in MI, registration requirements shall be as follows:

1. If the out-of-state offense is comparable to a registerable offense in MI:
  - a. The following requirements shall be based on the comparable Michigan offense:
    - i. Publishing
    - ii. Tier
    - iii. Verification cycle
    - iv. Duration (Duration requirements should be based on the state of conviction or Michigan, whichever is longer.)

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2. If the out-of-state offense is not comparable to a registerable offense in MI:
  - a. The following requirements shall be based on the other state's registration requirements:
    - i. Publishing
    - ii. Tier
    - iii. Duration
    - iv. Verification cycle

3. If the offender is registered based on the convicting state's duration, and the conviction state has advised the SOR Unit that the offender must continue to register until an order is entered terminating the offender's obligation to register in that state, the SOR Unit shall register the offender for the established duration and once that period has ended, and there is no indication that the offender has been removed from the convicting state's registry, the SOR Unit staff will change the offender to lifetime, regardless of the tier duration.

Example: Offender has an out-of-state Tier 1 conviction with a 15-year duration. The convicting state has a provision that allows removal from the registry, but only upon the offender's application and approval by a court after 15 years. In this instance, the offender has been registering for 15 years but has never applied to be removed. Therefore, offender is obligated to register for life.

See SOR-OP-315 PENDING REVIEW for additional steps to follow regarding this policy.

#### RE-REGISTERING A PREVIOUSLY CANCELED OFFENDER

1. If an offender was canceled from the registry and later, the offender is convicted of a new registerable offense, the prior sex offense(s) shall not be included in the new record if the prior sex offense falls under one of the following instances:
  - a. Ordered removal for consensual sex act
  - b. Ordered removal for a juvenile under 14 at time of offense
  - c. Set Aside conviction
  - d. HYTA
2. If an offender was removed from the registry and later, the offender is convicted of a new registerable offense, the prior sex offense(s) shall be included in the new record and included in the tiering process if the prior sex offense falls under one of the following instances:
  - a. Duration ended
  - b. Other court ordered removals not mentioned above (These shall be looked at on a case-by-case basis)

#### PREDETERMINATIONS

- When the United States Marshals Service (USMS) or another state agency requests a predetermination, SOR Unit staff shall provide a pre-determination on whether the offender would be required to register based on the PACC Code table, however, if they are requesting registration requirements such as tier, duration, or verification frequency, a SOR Unit analyst shall provide the pre-determination. In either case, the SOR Unit staff shall make note that it is preliminary and subject to change upon verification of the conviction information.

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- When MDOC/ICOTS (Interstate Compact Offender Tracking System) requests a predetermination regarding Michigan's registration requirements, SOR Unit staff shall refer them to the MDOC Sex Offender Management Unit for determination. When MDOC Sex Offender Management Unit requests assistance with a predetermination, the case shall be referred to a SOR Unit analyst or the manager for further direction.
- When a Michigan juvenile or district court requests a predetermination on an offender who was convicted of a Michigan offense, the SOR Unit shall provide the predetermination but make note that it is preliminary and subject to change upon verification of the conviction information.
- When the offender/public requests a predetermination, the SOR Unit staff shall inform the offender that our office does not provide predeterminations. The offender shall be provided with the resources needed to make the determination. Also advise the individual, they can consult an attorney regarding additional questions regarding their specific case. Here is an example response to an offender requesting a predetermination:

*"Our agency does not provide predeterminations.*

*However, an individual is required to register if they have a conviction for a sex offense that is similar to a listed offense as defined by the Michigan Sex Offender Registration Act Michigan Legislature - Section 28.722 (Tier I, Tier II, Tier III). Or, has a conviction for a substantially similar sex offense requiring registration in the state the conviction occurred. You may also visit our website at Sex Offender Registry (michigan.gov/msp) for frequently asked questions.*

*If you have additional questions or concerns, we encourage you to contact an attorney to give you specific legal advice."*

- Refer to SOR-OP-315 PENDING REVIEWS for assistance determining registration requirements.

#### JUVENILES UNDER 14

As of May 5, 2016, a decision was made by the Michigan State Police Legal Resources and Education Section which will require juvenile offenders to petition the court for removal if they were under 14 years old at the time of the adjudication.

Approval by Unit Manager		Approval Date	
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